

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

PHILLIP J. SINGER, Individually and on Behalf )  
of All Other Persons Similarly Situated, )  
Plaintiff, )  
v. )  
TRANS1 INC., KENNETH REALI, JOSEPH P. )  
SLATTERY, RICHARD RANDALL and )  
MICHAEL LUETKEMEYER, )  
Defendant. )

JUDGMENT  
CASE NO. 7:12-CV-23-F

**Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that pursuant to the court's order dated May 14, 2015, the court orders that the stay entered by its Order of November 20, 2014 [DE-69] is hereby LIFTED. The defendants' Request for Judicial Notice [DE-60] is ALLOWED. The defendants' Motion to Dismiss Plaintiff's Second Amended Complaint [DE-63] is ALLOWED. The plaintiff's claims against the individual defendants are hereby DISMISSED WITH PREJUDICE. The stay of the plaintiff's claims against Defendant TranS 1 remains in effect; however, the Clerk of Court is DIRECTED to administratively close this case from the active docket, subject to the same being reopened by any party upon the resolution of TranS 1 's bankruptcy action in the Bankruptcy Court for the District of Delaware, or otherwise upon good cause shown.

**ADDITIONALLY,** in the court's order dated October 7, 2015, the Motion to Lift Stay [DE-84] is DISMISSED AS MOOT; the Motion for Entry of Final Judgment Pursuant to Rule 54(b) as to the Individual Defendants [DE-76] is DENIED.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that The defendants' Motion to Dismiss Plaintiff's SAC [DE-63] is ALLOWED as to Transl. The plaintiff's claims against Trans1 are hereby DISMISSED WITH PREJUDICE. The Clerk of Court is DIRECTED to close this case.

**This Judgment Filed and Entered on December 8, 2015, and Copies To:**

Jeremy A. Lieberman (via CM/ECF Notice of Electronic Filing)

John F. Cannon (via CM/ECF Notice of Electronic Filing)

Jonathan D. Sasser (via CM/ECF Notice of Electronic Filing)

Stephen L. Ram (via CM/ECF Notice of Electronic Filing)

Aaron C. Humes (via CM/ECF Notice of Electronic Filing)

Kent W. Easter (via CM/ECF Notice of Electronic Filing)

Thomas Hamilton Segars (via CM/ECF Notice of Electronic Filing)

DATE

December 8, 2015

JULIE RICHARDS JOHNSTON, CLERK

/s/ Susan K. Edwards

(By) Susan K. Edwards, Deputy Clerk